

31 of claim 98 under conditions suitable for production of the protein; and (b) recovering the protein.

REMARKS

Claims 51-70 have been canceled. New claims 71-99 are based on claims 51-70 and are pending in the present application.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. Objection to Claim 60

Claim 60 is objected to because the identity of the strain is unclear and the Office Action suggests amending claim 60 to read "... contained in *E. coli* pPH6 as deposited with NRRL under accession number B-30142." Applicants have cancelled claim 60, but have incorporated the Examiner's suggestion in corresponding new claim 87.

II. The Rejection of Claims 61, 66, and 67-70 under 35 U.S.C. § 112, Second Paragraph

Claims 61, 66, and 67-70 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on several grounds.

Ground 1: The Office Action states that claim 61 is indefinite because it is not possible to synthesize or make a nucleic acid solely by hybridization. The Office Action suggests wording the claim to recite "A nucleic acid isolated by (a) hybridizing a DNA under low stringency conditions ..." Claim 61 has been canceled, but this suggested language has been incorporated into corresponding new claim 89.

Ground 2: The Office Action states that claim 66 is indefinite because the limitation "the host cell" lacks sufficient antecedent basis. Applicants note that claim 66 incorrectly depends on claim 65, and should have depended on claim 64. Proper dependency has been made in the new claims.

Ground 3: The Office Action states that claims 67-70 are indefinite because claim 67 recites the term "foreign" which does not provide enough information to determine the scope of the claim. This rejection is respectfully traversed. Applicants assert that one of ordinary